



## Brian S. Martin

Partner

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Brian represents clients in insurance coverage matters. His extensive experience includes trials and appeals of insurance matters including general liability, environmental, toxic tort, construction, surplus lines, Director's & Officer's liability and bad faith coverage cases. He handles coverage cases in jurisdictions across the United States. He also frequently testifies as an expert in insurance and bad faith cases.

Brian is a former Chairman of the State Bar of Texas Insurance Section. He has received wide recognition and many awards in Insurance law. Brian has been named Best's Lawyer of the Year (2013), one of "Texas' Leading Insurance Attorneys" by Chambers USA (2003-2020); selected as one of "The Best Lawyers in America" in insurance law by Best's Insurance Guide (2006-2020); listed in "The Guide to the World's Leading Insurance and Reinsurance Lawyers" (2006-2012); identified in "Who's Who in Texas Insurance and Reinsurance" (2007-2013); identified in the International Who's Who Legal as among 500 of the World's leading insurance and reinsurance lawyers (2013-2014); recognized as one of Houston's Top Lawyers by H Texas Magazine; named one of Houston's Top 100 Attorneys by *Texas Monthly* (2011-2012); named a Top Attorney by *Houstonia Magazine* (2014-2017); received the 2008 Chambers Award for America's Leading Lawyers for Business; given the Client Choice Award in the 2014 and 2015 USA edition of the Client Choice Guide (chosen by clients); named a "Texas Super Lawyer" by *Law & Politics* magazine (2007-2017); a national "Super Lawyer" by *Corporate Counsel Magazine* and *The Wall Street Journal* (2009-2020); received the ACQ Country Award for Achievement (2009) and is AV-rated and designated "Preeminent" by Martindale-Hubbell. Brian is a Fellow of the American College of Coverage and Extracontractual Counsel.

### Services & Industries

- Insurance Coverage
- Insurance Litigation
- Specialty Lines

### Education

- University of Texas School of Law (J.D., 1987)
- University of Texas at Austin (B.A., cum laude, 1984)

## Bar Admissions

- Texas, 1987

## Court Admissions

- United States District Court, Eastern District of Texas 1995
- United States District Court, Northern District of Texas 1992
- United States District Court, Western District of Texas 1990
- United States District Court, Southern District of Texas 1988
- United States Court of Appeals for the Fifth Federal Circuit
- United States Court of Appeals for the Sixth Federal Circuit
- United States Court of Appeals for the Ninth Federal Circuit
- United States Court of Appeals for the Eleventh Federal Circuit

## Professional and Community Activities

- State Bar of Texas, Insurance Law Section
  - Chairman (2008-2009)
  - Chair-Elect (2007-2008)
  - Secretary (2006-2007)
  - Treasurer (2005-2006)
  - Council Member (2001-2005)
  - Chairman of the Reinsurance Committee (2000-2002)
- Fellow, American College of Coverage and Extracontractual Counsel
- State Bar of Texas Mentor Committee (1998-1999)
- State Bar College
- American Bar Association (Insurance Coverage Litigation Section, Subcommittees on Products Liability and Bad Faith)
- Columnist, *Insurance Journal* magazine (2001-2014)
- Contributing Editor, *LexisNexis' Texas Annotated Insurance Code* (2007-2013)
- Course Director, State Bar of Texas 7th Annual Advanced Insurance Law Course (2010)
- Board Member and Contributor to *Texas Lawyer* magazine's Smart Litigator Online
- Member, Claims and Litigation Management Alliance

## Speeches and Presentations

Brian has presented or published over 250 speeches, law reviews, papers, columns, and articles on insurance topics, including:

- *Climate Change Litigation and Liability Insurance Claims*, American College of Coverage Counsel, (November 1, 2019)
- *ALI Restatement Seminar*, United States District Court for the Southern District of Texas (February 25, 2019)
- *Long Tail Claims Update: 15<sup>th</sup> Annual Advanced Insurance Law Course*, State Bar of Texas (June 28, 2018)
- *Timed Policy Limit Demands*, Emerging Insurance Coverage and Allocation

Issues Conference, Philadelphia (April 11, 2018)

- *Legal Issues Arising out of Fracking*, National Conference of Insurance Guaranty Funds Legal Conference, (June 22, 2017)
- *Decades of Unexpected, Accidental and Wild Changes in Insurance Law Practice*, 21<sup>st</sup> Annual Insurance Law Institute, University of Texas School of Law (November 10, 2016)
- *Once More Into the Breach: Will Fracking Usher in the Next Great Wave of Environmental Litigation?*, Journal of Texas Insurance Law (Winter 2015-2016)
- *Duties During Litigation*, 20th Annual Insurance Law Institute, University of Texas School of Law (November 12, 2015)
- *KABOOM! Handling Explosion Claims*, 7th Annual Texas Insurance and Tort Law Update (April 10, 2014)
- *Vexing Insurance Litigation Challenges: Venue, Choice of Law and "Mixed" Coverage*, South Texas College of Law (February 13, 2014)
- *Emerging Developments on the Construction Defect Horizon*, DRI Insurance Coverage and Practice Symposium (December 13, 2013)
- *Rescuing the Mishandled Claim*, 18th Annual Insurance Law Institute, University of Texas School of Law (November 7, 2013)
- *The Good, The Bad & The Ugly: A Meditation on the Ethics of Claims Handling*, Texas Insurance and Tort Law Update 2013, Thompson Coe Houston Seminar (March 28, 2013)
- *Insurance Coverage Issues Involving Fracking*, 17th Annual Insurance Law Institute, University of Texas School of Law (October 18, 2012)
- *What We Have is a Failure to Communicate: Untimely Notice of a Claim, Settlements Without the Insurer's Consent, and the Making Sense of the Prejudice Ruling*, South Texas College of Law (January 20, 2012)
- *Triggering Excess Coverage by Exhaustion*, 16th Annual Insurance Law Institute, University of Texas School of Law (November 4, 2011)
- *Ethics Jeopardy with Brian Martin, Christopher Martin and Ernest Martin*, 16th Annual Insurance Law Institute, University of Texas School of Law (November 5, 2011)
- *Allocation and Trigger of Coverage*, Texas Insurance and Tort Law Update 2011, Thompson Coe Houston Seminar (April 6, 2011)
- *Divine Intervention?: Is There a Prayer for Joint Settlement of Covered Claims in the Wake of Mid-Continent v. Liberty Mutual and Trinity v. Employers Mutual*, 15th Annual Texas Insurance Law Symposium, South Texas College of Law (January 22, 2011)
- *Ask the Experts: Q&A with Brian Martin, Christopher Martin and Ernest Martin*, 15th Annual Insurance Law Institute, University of Texas School of Law (October 15, 2010)
- *Current Trends and Issues in Texas Trigger and Allocation*, 7th Annual Advanced Insurance Law Course, State Bar of Texas (April 8, 2010)

- *Reserving Rights and Denying Coverage*, Texas Insurance and Tort Law Update 2010, Thompson Coe Houston Seminar (April 1, 2010)
- *Chipping Away at Mid-Continent: Trinity Universal Insurance Company v. Employers Mutual Casualty Company*, Live Webcast of the State Bar of Texas and Insurance Section of the State Bar of Texas (February 11, 2010)
- *Trinity Universal Insurance Company v. Employers Mutual Casualty Company: The Reigning in of Mid-Continent v. Liberty Mutual*, State Bar of Texas Live Webcast (January 26, 2010)
- *Allocation and Trigger of Coverage in Texas*, 14th Annual Texas Insurance Law Symposium, South Texas College of Law (January 22, 2010)
- *Chinese Drywall Claims*, State Bar of Texas Live Webcast (December 9, 2009)
- *When the Policyholder Goes Belly Up: Coverage Disputes in Bankruptcy Court*, University of Texas School of Law 14th Annual Insurance Law Institute (October 15-16, 2009)
- *Three's Company, or Is It? The Tripartite Relationship and it's Practical Problems*, University of Texas School of Law 14th Annual Insurance Law Institute (October 15-16, 2009)
- *The Changing Landscape: Allocation and Trigger Coverage in Texas*, Texas Insurance and Tort Law Update 2009, Thompson Coe Houston Seminar (September 2009)
- *Allocation of Coverage*, Advanced Insurance and Tort Claims, University of Houston Law Foundation (August 2009)
- *Business Coverage Update*, State Bar of Texas, Insurance Law Section Annual Meeting and CLE (June 25, 2009)
- *Update on Recent Texas Supreme Court Insurance Decisions*, Sixth Annual Spring CLE Seminar, Houston Paralegal Association (April 2009)
- *Business Insurance Policy Update*, Business Law Course, University of Houston Law Foundation (June 2009)
- *Developments in Allocation of Coverage, Advanced Insurance and Tort Claims*, University of Houston Law Foundation (April 2009)
- *Scope of Coverage After Mid-Continent and Don's Building*, Sixth Annual Advanced Insurance Law Course, State Bar of Texas (April 2009)
- *Business Policies in Dangerous Times: The Provisions You Should Know About*, University of Houston Law Foundation, Advising Businesses in a Troubled Economy (January 2009)
- *Inter-Carrier Relationships After Mid-Continent v. Liberty Mutual*, 13th Annual Texas Insurance Law Symposium, South Texas College of Law (January 2009)
- *The New Carrier-Insured-Carrier Relationship: The Problem of Multiple*

*Carrier Sharing After Mid-Continent v. Liberty Mutual*, University of Texas School of Law 13th Annual Insurance Law Institute (October 22-24, 2008) (Co-Authored with Alix K. Cornett, Ernest Martin, Jr., and Micah E. Skidmore)

- *The Dangers of Mid-Continent v. Liberty Mutual*, Inaugural Presentation of the South Texas Insurance Forum of the Gulf Coast Insurance Coverage Group (October 2008)
- *Triple Play: Three New Texas Supreme Court Insurance Decisions*, State Bar of Texas Live Webcast (September 24, 2008)
- *The Changing Landscape: Allocation and Trigger Coverage in Texas*, Advanced Insurance and Tort Claims, University of Houston (April and June, 2008)
- *The Status of "Trigger of Coverage" in Texas*, Fifth Annual Advanced Insurance Law Course, State Bar of Texas (March 2008)
- *Who Pays? Allocation Issues in Insurance*, University of Houston Law Foundation (June 2007)
- *Intent, Negligence and Public Policy: Who Do Carriers Pay Punitive Damages?*, Fourth Annual Advanced Insurance Law Course, State Bar of Texas (March 2007)
- *Allocation of Coverage, Triggers and Their Effect on Both Claimants and Insurers*, Advanced Insurance and Tort Claims Course, University of Houston Law Foundation (March 2007)
- *Reservation of Rights and Waiver/Estoppel Issues*, Texas Insurance Law Symposium (January 2007)
- *Setting the Chess Pieces: Preparation and Strategy Considerations in Filing and Prosecuting Coverage Litigation*, University of Texas School of Law, 11th Annual Insurance Law Institute (December 2006)
- *What Do I Pay?: Allocation of Coverage and its Effect on Both Claimants and Insurers*, Advanced Insurance and Tort Claims, University of Houston Law Foundation (June 2006)
- *How Many Ways Can you Define Allocation?*, Third Annual Insurance Law Course, State Bar of Texas (March 2006)
- "2005 Legislative Update on Insurance," *Journal of Texas Insurance Law* (Fall 2005)
- *Common Issues in Coverage Litigation*, University of Houston Insurance Law for Attorneys Representing Insurers (October 2005)
- *Insurance/Litigation, Including Overhaul of Workers' Comp and asbestos/Silica*, State Bar of Texas, Legislative Update (August 2005)
- *Environmental Insurance Litigation: 2005 A State By State Case Law Survey*, (May 2005)
- *Post Judgment and Gandy Issues; Proving Indemnity*, Second Annual Advanced Insurance Law Course, State Bar of Texas (April 2005)
- *Offers of Settlement Under House Bill 4: A Primer*, Texas Insurance Law

Symposium (February 2005)

- *The Duty to Defend in Transition – A Mock Summary Judgment Argument*, University of Texas School of Law, 9th Annual Insurance Law Institute (November 2004)
- *Challenging Experts: The Protocol Use of Robinson/Daubert*, 1st Annual Advanced Insurance Law Course, State Bar of Texas (April 2004)
- *Texas Legislative Update: A Walk Through House Bill 4*, University of Houston Advanced Personal Injury and Insurance Law (April 2004)
- *Trying the Big Insurance Case*, Texas Insurance Law Symposium (January 2004)
- *Legislative Update: Insurance*, State Bar of Texas (September 2003)
- *Reservation of Rights: The Insurance Company's Perspective*, University of Houston Law Foundation (1998-2003)
- *Commercial Insurance: Boom or Bust? and Occurrences - What, When and How Many?* Texas Insurance Law Symposium (January 2002)
- *Coverage for Intentional Acts*, University of Texas School of Law 6th Annual Insurance Law Conference (2001)
- *Insurance and Bankruptcy*, Tort and Insurance Law Journal (Summer 2001)
- *Concurrent Litigation*, University of Texas Law School 5th Annual Insurance Law Conference (2000)
- *Fee Controls and Legal Audits: An Essay on Practical Due Process for Lawyers*, Journal of Texas Insurance Law (Winter 2000)
- *Missing Pieces: Trigger and Allocation in Texas*, University of Texas School of Law 4th Annual Insurance Law Conference (1999)
- *Auditing Attorneys Fees*, Texas Insurance Law Symposia, South Texas College of Law (1999)
- *Audits of Law Firm Bills: The Issues Inside and Out*, Insurance Litigation Reporter (July 1999)
- *Bad Faith Litigation*, University of Houston Law Center Advanced Civil Litigation Seminars (1996-1998)
- *Bad Faith: Hot Spots and Hot Topics*, ABA Insurance Coverage Litigation Section Midyear Meetings (1998)
- *Environmental Liability Coverage*, 1998 National Association of Environmental Law Societies, Thurgood Marshal School of Law (April 1998)
- *Liability Coverage: The Duty to Defend in Texas*, Texas Insurance Law Symposium, South Texas College of Law (1998)
- *Claims Adjustment: Texas Insurance Code Hazards*, Austin Claims Association Program (1997)
- *Lender Liability: Drafting to Avoid It*, Real Estate Documents, Workouts and Closings Seminar, University of Houston Law Center (March 1991)
- Co-author of *New Property Attributes in Electronic Information*, for the Computer and Information Technology Law Institute, University of Texas School of Law

## Professional Recognition

- *Intercontinental Finance Magazine Leading Lawyers 500*
- [Texas' Leading Insurance Attorneys by Chambers USA, 2003 - 2020](#)
- *Best Lawyers in America*
  - Insurance Law, 2006 - 2022
- *Texas Super Lawyers list*
  - Insurance Coverage, 2007-2021
- *Best Lawyers in America Lawyer of the Year*
  - Insurance Law, 2013
- *American Lawyer Media and Martindale-Hubbell Top Rated Lawyer in Insurance Law, 2013*
- *The Guide to the World's Leading Insurance and Reinsurance Lawyers, 2006 - 2011*
- *Who's Who in Texas Insurance and Reinsurance, 2007 - 2011*
- *Chambers Award for America's Leading Lawyers for Business, 2008*
- *Houston's Top Lawyers by H Texas Magazine, 2008 - 2011*
- *ACQ Country Award for Achievement in Insurance Law, 2009*
- *Houston's Top 100 Attorneys by Texas Monthly, 2011*
- *National "Super Lawyer" by Corporate Counsel Magazine, 2009 - 2011*
- *"AV" Peer Review Rated by Martindale-Hubbell*
- *Chambers USA, Band 1 for Insurance in Texas, 2021*

## Publications

May 4, 2016

**Reserving Rights and Declining Coverage**

April 10, 2015

**KABOOM!: Handling Explosion Claims, Texas Insurance and Tort Law Update**

January 1, 2015

**Once More Into the Breach: Will Fracking Usher in the Next Great Wave of Environmental Litigation?**

June 14, 2012

**Who Pays And How Much?: Allocation Of Defense And Indemnity Costs Among Co-Insurers, Texas Insurance and Tort Law Update**

December 6, 2006

**Preparation and Strategy Considerations in Filing and Prosecuting Coverage Litigation**

October 12, 2006

**The Rubic's Cube: Allocation of Coverage**